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AN

EXTRACT

FROM THE

REPORT OF THE DIRECTORS

OF

MASSACHUSETTS STATE PRISON,

MADE

TO HIS EXCELLENCY THE GOVERNOR

AND THE HONOURABLE COUNCIL.

OCTOBER 18, 1827.

REVIEWING CERTAIN PARTS OF

The Second Annual Report

OF THE

PRISON DISCIPLINE SOCIETY.

To which is added, the

REPORT OF THE PHYSICIAN

OF MASSACHUSETTS STATE PRISON.

PUBLISHED BY ORDER OF THE DIRECTORS.

Boston :

DUTTON AND WENTWORTH....PRINTERS.

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1827.



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TO ALL WHOM IT MAY CONCERN

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1827

PREFATORY NOTE.

THE Directors of the Massachusetts State Prison in giving publicity to a certain portion of a Report, recently made by them to the Executive of the Commonwealth, before his Excellency has communicated that Report to the Legislature, are influenced only by a sense of duty towards the public.

Directors room, Mass. State Prison, Nov. 9, 1827.

EXTRACT.

IN connexion with this our customary Annual Report, the Directors feel it a duty to notice some statements which have been made in regard to this Institution, in a publication extensively circulated, and entitled "*SECOND ANNUAL REPORT of the Board of Managers of the Prison Discipline Society.*"

If this Board were to remain silent in regard to this publication, the natural inference would be, that every representation it contained was assented to; and this conclusion would be the more strongly taken, as it is well known that the Report alluded to was published, in some degree, under the patronage of the Legislature. It has not been the intention of this Board, to take official notice of unofficial publications, but the character and complexion of the appeal made to the public by this Report, and the countenance it has received from the Legislature entitle it to our attention.

This Report emanates from an association of gentlemen, who are unquestionably actuated by virtuous and philanthropic motives, and contains much that is useful and instructive. We regret, however, that the tone and style of some parts of it, have a tendency to produce a feverish and erroneous state of public opinion in regard to this Institution.

If the representations and delineations it contains, presented a true picture of the state, discipline, and management of this Institution, ourselves, the Warden, and every officer connected with the prison, would have reason to blush. But we humbly conceive that the zeal of the gen-

tleman, who has drawn up this Report for the society, has transported him beyond the bounds of sedate investigation.

Duly appreciating, however, his motives and labors, we proceed to take notice of some of the prominent parts of his production, which we think have a tendency unnecessarily to disturb the public mind in regard to this establishment.

At page 11 of the Report, it is said, that “*In in the Massachusetts Prison, a keeper was detected three times in succession by Mr. Soley, one of the Directors, in furnishing bills to be altered, and materials to alter them to a convict. A warrant was issued for him, but he made his escape. Another keeper was discharged soon after, on suspicion of improper conduct, and in a communication made by the Directors to the Governor in the autumn of 1825, and by him submitted to the Legislature, several other cases are mentioned of malepractice by contractors and assistant keepers.*”

The statement that an officer was three times detected in malepractice before measures were taken to arrest his career, implies that the two first transgressions were either forgiven or overlooked, but such was not the fact. The conduct of Osgood, the officer alluded to, had excited suspicions in one of the members of this Board, and he was desirous of having indubitable proof of his guilt, before a formal accusation should be made.

The three instances mentioned in the Report were only parts of one process of detection, and ought so to be understood by the public. The report of Mr. Soley, made at the time, will give the true complexion to the transaction, and in connexion with the Report of the whole Board of 1825, bring again to your Excellency's mind, the degree of care and vigilance used on the occasion referred to.

Indeed such was our attention, that days were spent in anxious enquiry, and every officer of the prison, from the keeper downward, underwent a separate and as strict an

examination as usually takes place in our courts of justice, and, in conclusion, another officer was discharged on the ground of his being too frequently absent from his duty.

The Report of the Directors of 1825 mentioned in the passage quoted, will explain the instances of misconduct alluded to in the Prison Discipline Report. From this it will appear that the "*several other cases of malepractice*" alluded to in that publication, occurred in the course of the seven preceding years.

The State Prison at Auburn, which is said to be the best constructed, and by some thought to be the best conducted prison in America, has not been exempt, during the short time of its operation, from instances of a similar description, as appears by the Report itself at page 12, in these words, "*Even in the prison at Auburn, which is in many respects so worthy of commendation, the commissioners mention in a late Report to the Legislature, that one Terrence Heeney, who was never fit for the trust of a guard, was three times appointed to that place, and three times removed for misconduct,*" they also say, "*that several other cases have been proved of the appointment of incompetent or unfit men, BUT IN GENERAL they were removed so soon as their unfitness became known.*"

The Directors of this Institution can with truth, make use of stronger language than this; they can say, that EVERY INCOMPETENT AND UNFIT OFFICER has been removed as soon as his unfitness became known.

We now notice the statement of recommitments at page 15 of the Report, and the following passage at page 100, viz. "*The recommitments have corresponded with what might be expected from such a school of vice.—In 1817 out of three hundred convicts then in prison, ninety were for a second, third, or fourth time; and in 1827 the proportion was about the same.*"

The passage referred to, naturally suggest the opinion that this Institution, so far from operating to restrain

crime, has a direct and powerful influence in multiplying villains and villany. “*In 1817 out of three hundred convicts then in prison, ninety were for a second, third, or fourth time.*” The stress put upon the circumstance to say the least of it, rests in a fallacy.

To estimate correctly the effect of punishment and discipline in this Institution, we must ascertain the whole number of individuals who have been subjects of correction since it first went into operation in the year 1805,—and then ascertain how many out of that number have returned.

The whole number we find amounts to 1753, out of which 1436, have never returned a second time;—317 out of the whole number have been subjects of a second, third, and fourth commitment. And now out of the 1753, who are, and have been here, only ninety are found who have been previously at the penitentiary, and a large proportion of these will be found to be old and incorrigible offenders.

It is obvious that the older an Institution of this kind is, the greater will be the number of returned convicts in proportion to the number actually within the walls at any given time. It is fallacious, therefore, to found an inference on such a view as the Report presents.

Rightly to test the efficacy of prison discipline, we repeat, we must compare the number of returned convicts with the whole number of individuals who have been incarcerated, and, on this view of the subject we submit to your Excellency, whether this Institution deserves to be stigmatized as “*a school of vice.*”

But if this Institution be “*a school of vice,*” we might expect to see the numbers of our prisoners annually augmenting. On examination, however, we find no such augmentation. The annual returns from 1817 to 1826 inclusive, a period of ten years, give 3125, averaging 310 per year, nor have the actual returns, with one or two exceptions, differed much from this number. At the present

time, however, there are but 285 prisoners in confinement, a number much below the average.

Including the return of this year and that of 1820, when Maine was separated from Massachusetts, a period of eight years, we find the whole number of prisoners 2389,—annual average 298 since the separation, but this year we have on hand but 285. From this it would appear that offences diminished, while population increased ;—and that if this Institution be “ *a school of vice,*” it has not multiplied the number of criminals in the community.

The next statement in the Report requiring explanation, is at page 13, and regards the pay of one of the assistant keepers, and is as follows, “ *In the Massachusetts Prison, the total expense to the state of supporting the prison nine years from 1814 to 1824 was \$78,328 44. The average number of convicts was 303. During the last three years, the total income after defraying every expense, has exceeded \$20,000. And even during the latter period, it was ascertained by a Committee of the Legislature, and so published in their Report, that one of the assistant keepers, whose nominal salary is \$354, received in addition, in one year, the sum of \$3002 25 from the prison, a yearly income greater than that of any officer in the Commonwealth. The Report containing this extraordinary fact, is signed by Thomas I. Goodwin, Chairman of the Committee.*”

The keeper alluded to is the Overseer of the stone department, from whence the great profits aforesaid, have been derived. Formerly this Institution was very expensive to the Commonwealth, and honest and industrious free citizens without, were taxed in order to restrain rogues and desperados within the walls of the prison. But the successful operations of the stone department, superintended by the assistant keeper alluded to, have produced an advantageous change in the fiscal affairs of the Institution.

This Board have not been unmindful of the great advantages which from this source have resulted to the Com-

monwealth, and have made use of all the means in their power to render this department still more productive. And perfectly aware that the superintendant of the stone department is master of his business in all its branches, able to plan and to execute the work for the most extensive stone edifices, so that every stone wrought in the prison yard, will accurately adjust itself to its place in the building for which it was designed; this Board have long been satisfied that such an artizan could not be obtained at the low price of an assistant keeper.

The question then presented itself as to the degree and mode of compensation, which should seem best adapted to promote the interests of this Institution;—and the Directors being at all times unanimous in opinion, that it was competent for them to compensate this officer, or any other whose services would admit of it, by commissions; applied this principle of compensation to the services of Mr. Johnson. We can add, that we have seen no reason to doubt, on any ground, the correctness of our determination. As at present advised, we shall continue the course we have adopted, until otherwise directed by competent authority. The mode we have adopted, identifies the interests of the Commonwealth with those of Mr. Johnson; and contributes to raise the reputation of the prison stone work, and consequently to extend the sale of it.

Owing to the unexpected amount of compensation which Mr. Johnson at one time received, the Board latterly limited his commissions, so that these in no case can exceed \$2000 per annum. We say unexpected amount of commissions, and add in proof an extract from page 100 of the Report, “ *The proceeds of labour in the stone department of about one third of the men were more than sufficient to cover the expenses for provisions, clothing, bedding, and salary of the officers for the whole establishment. It is honourable to the Warden and assistant keepers, that results formerly so UNEXPECTED* have*

* This compliment to the Warden and assistant keepers, is with pleasure extracted from the Prison Discipline Report. It is, however, singular that the writer

been gained under their management in the pecuniary concerns of the Institution."

We ought to add, that the commissions of the overseer of the stone shed must be necessarily fluctuating, and that they ought to be calculated in reference to a term of years. This year his commissions will not exceed \$1275.

At page 100 of the Report, we find the following statement in relation to overstent. "*The vices of the prisoners in which they have been detected, are bribing persons to bring them prohibited articles, by a most mischievous and demoralizing use of their overstent money. It has been used to purchase cards, spirits, digitalis, bills to be altered, and materials to alter them. It is difficult to conceive in what way \$4000 annually could be the procuring cause of more moral evil, than this amount of overstent, subject to the order of convicts in a State Prison.*"

Whoever has examined with a discerning eye the condition of those who have become subjects of infamous punishments, must have seen many instances calculated to awaken commiseration. The rules of justice will not permit the Judge to take into consideration the various accidents, or in other words, the course of destiny, which may have brought a criminal to the bar, and from the bar consigned him to ignominious bondage. But certain it is that to a want of education, to vicious associations, into which the criminal has been cast by circumstances beyond his control; to feebleness of constitutional character, and many other causes operating in relation to him, may oftentimes be traced those deviations which have led to infamy.

The laws which establish the system of penitentiary punishments, suppose that in the breasts of criminals gen-

of that Report, should have attributed the successful operations of the stone department *exclusively*, to "*their management in the pecuniary concerns of the Institution.*" If the credit had been given to the Warden and assistant keeper of the Stone department, the compliment would be less objectionable on the score of truth. As it is, however, it is hoped the members of the Government will in due time see for themselves, unbiased by such representations.

erally, there are seeds of honor and religion remaining, which may be advantageously cultivated. To quicken those seeds and promote a new growth of virtuous principles and resolutions in the heart of the malefactor, must be one great object contemplated by every system of penitentiary punishment. Those general rules which are best calculated to reform the corrigible, though they seem to operate with too much lenity upon those who turn out in the end incorrigible, are the most consistent with the principles of christianity. If while the incorrigible are cut off from society, and made to repair in some degree by labor, the damage occasioned by their crimes, those who are subjects of reformation, can have hope and ambition kept alive in their bosoms, as the basis of a different and better character, the most consoling results may be expected.

Considerations of this kind, have had an influence upon the minds of all the Directors in the allowance of over-stent to the convicts. They have thought the indulgence had a tendency to beget and secure in the prisoner habits of industry, and to keep alive that degree of ambition without which no real reformation can be expected. This indulgence furnishes a small fund, which, while it accumulates, teaches the value of innocent industry, and after it is accumulated, furnishes something with which the prisoner may begin the world anew.

The Commonwealth, also, derives great advantage from the allowance under consideration, as but one half of all that is earned in this way is reserved for the convict, the other going entirely to the credit of the State. The practice under consideration has been sanctioned for many years, by the opinions of some of the most enlightened Chief Magistrates of this Commonwealth, nor has it been a source of the abuse alleged in the Report,—the over-stent not being at the disposal of the prisoner, without an

express order from a Director, until expiration of sentence.*

The transfer of overstent from one prisoner to another, has been strictly prohibited by the Board, so that they cannot convert the overstent they may have on the books into a circulating medium in the yard. He therefore, who earns it, has the entire advantage of it, and whenever an appropriation of it is permitted by the Director or Directors, the object of the appropriation is investigated. In many instances which may be particularized, prisoners by the little aid they have derived from this source, have during their confinement contributed, in some degree, to the support of their families, and thus have sustained those domestic relations, which are so eminently calculated to produce reformation in a prisoner.

Indeed, from experience and the best consideration the Board have been able to give the subject, they are of opinion that the allowance of overstent, under judicious regulations, is advantageous to the prisoner as well as profitable to the Commonwealth. It has a direct tendency to increase the income of the Institution, and thus to exonerate honest men from the maintenance of rogues.

At Auburn we understand that overstent is not allowed, and at page 14 and 15 of the Report, we find the following account of the income of that Institution. "*In the Auburn prison which is a specimen of industry seldom equalled, and which affords specimens of work in different branches of mechanical business, not easily surpassed, where the men are required to work all day, from an early hour in the morning till near sunset, for the benefit of the Institution, with only the exception of sufficient time to eat their meals; the prison being located in a part of the country where provisions are cheap, 433 convicts*

*There is a general order of the Board, sanctioned by the Governor and Council, that for the encouragement of industry and good conduct, convicts of the first and second classes, are allowed to invest twenty-five cents per week of their overstent, in such articles of food for their immediate use as the Directors approve, and which is supplied by the Commissary only.

laboured hard the whole of the last year, and did not earn enough to defray the expenses of the Institution by \$10,195, 88."

We by no means say, that the difference between the incomes of the two prisons hitherto, is to be accounted for on the score of overstent allowed here. But should the Institution at Auburn, by way of experiment, allow to its prisoners overstent for a year or two, the result might furnish a strong argument either for or against the practice.

From the manner in which this overstent has been sometimes represented, an opinion has occasionally been expressed, that its tendency was to induce the prisoners to return a second time to the prison; but the fact that out of 1753, prisoners, who have been within the walls since the cells were first locked, 317 only have returned for new offences, sufficiently exposes the error of such a belief.

The Report at page 85 adverting to the management of the prison in Maine, has this statement. "*An important experiment has been made in this prison, of the effect on health, of cutting off habitual drunkards at once from the use of spirituous liquors in every form, and confining them to cold water. It has been found invariably beneficial. They seem to renew their youth; and a more hale, healthy, muscular body of men cannot be found in prison or out of prison, than the cold water convicts in the quarry of the Maine prison. It is an experiment also to show that hard labor can be performed on good food and cold water. As evidence of this, it is only necessary to see these men handle rocks.*"

In speaking also of the prisons in New Hampshire, Vermont, Sing Sing and Auburn, "*the same valuable experiment has been made,*" it is said; but in speaking of this Institution, the most profound silence is observed in regard to this point. The form of language made use of in regard to the prison in Maine, would lead the public to suppose that that Institution had first led the way in this improvement. It is called "*an experiment,*" and this

expression connected with the context, leads the reader to believe, that the improvement has been made in regard to prisons for the first time in Maine. "*A more hale, healthy, muscular body of men cannot be found in prison or out of prison, than the cold water convicts in the quarry of the Maine prison,*" says the Report. This eulogium, together with compliments to the prisons of New Hampshire, Vermont, Sing Sing and Auburn, for pursuing a similar course, and the mysterious silence observed in regard to this prison, amounts, whatever may have been intended, to a strong insinuation, if not to an affirmation, that the use of intoxicating liquors is permitted to the prisoners here.

Whoever is acquainted with the laws of this Commonwealth which regulate this prison, know that the use of intoxicating liquors are forbid to the prisoners, and we say that these laws have always been rigidly enforced, so far as this Board has had the authority. Indeed the Board have been so rigid upon this subject, that several years ago they forbid the introduction of ardent spirits within the walls for the use of the overseers and guards.

In relation to the alleged differences between the Directors and the Warden of the prison, the Report has this passage at page 94. "*The duties of the officers, particularly of the Directors and Warden, have not been sufficiently defined, and consequently there has been a controversy between them for many years. This controversy has led to mutual recrimination, jealous and hostile feelings, and many embarrassments concerning the management and discipline of the Institution. It is not surprising that a house thus divided against itself, should have difficulties within and without. The Directors think the Warden's office unnecessary. The Warden may commit a man to the cells for punishment, and the Director for the week, remove him. The Warden remove certain indulgences from the prisoner, and the Director for the week, restore them. The Directors order monies paid to an assistant keeper, which the Warden thinks unjustifiable, and the Warden refuses to pay it. It is, and has been, a most*

uncomfortable controversy, totally inconsistent with the order of the Institution, and the interests of the State."

We regret that a statement like this should be put in circulation by any individual. It is but calling up the controversies of former years; controversies which occurred not between the present Warden and the Board, but between them and an officer who has slept for years in his grave. In relation to the present Warden, this Board endeavour to act with courtesy and independence, and whatever may be the opinion of individuals of the Board, in regard to the utility of his office, or his opinion in regard to the utility of theirs, they have always treated him and his station with perfect respect.

It is not long since, that the Warden preferred voluminous charges against the superintendant of the stone shed to this Board, those charges were received, Mr. Johnson called on for his answer, and the Warden for his proofs, and every attention was given to the case, which the most scrupulous respect to the Warden, and the rights of Mr. Johnson could dictate. The whole proceedings, as far as was practicable, were on paper, in order that the executive and legislative departments of the Commonwealth, might at all times, recur to the grounds of the Wardens complaint, and our decision.

It is said "*that the Warden may commit a man to the cells for punishment, and the Director of the week remove him.*" This Board have no recollection of any instance which can countenance this allegation, but if there are instances to support it, the law will be found on the side of the Directors. The Directors have always had a power of this kind vested in them by the Legislature, and whether rightly or wrongly, the Legislature will determine. Most men, however, educated under our free institutions would hesitate at least, before they confided the uncontrolled power of punishing three hundred prisoners to any one individual whatever, however discreet he might be.

As to the indulgences which the Warden removed from a prisoner, and which the Director for the week restored, upon enquiry of the Director, we find he has no recollection of such a circumstance.

The monies ordered by the Directors to be paid to an assistant keeper, and which the Warden thinks unjustifiable, and refuses to pay, alludes undoubtedly to the commissions which the Board directed to be paid to Mr. Johnson, and with which direction, it is true, the Warden refused to comply. But Mr. Johnson virtually appealed to the Legislature from the Wardens determination, by preferring his petition for the compensation which this Board had directed to be paid him, and after a full hearing before the committee, the Legislature enforced the order of this Board by passing the following resolve.

“In the year of our Lord, one thousand eight hundred and twenty seven.

Resolve on the Petition of Samuel R. Johnson.

Resolved, *That the Warden of the State Prison, pay to Samuel R. Johnson, an overseer in said prison, and superintendant of the stone department therein, such sum of money, as the Directors of said prison shall determine to be due said Johnson for his services, up to the first day of April next.*”

This, as was supposed, settled the question to the satisfaction of all parties. In fact, in regard to other officers of the prison, we have applied the principle of compensation by commissions, without hearing of any objection.—The turnkeys are allowed a commission of five per cent on all monies received by them on the admission of visitors, and these commissions are quarterly cast and paid by the Warden, on the general order of this Board.

In view of the statement which has caused these remarks, we must repeat our regrets, that difficulties should be represented to exist, which formerly took place between this Board, and one who is now no more, and that differences of opinion should be called up anew, which we thought had been settled by the Legislature itself.

That differences of opinion may occasionally occur between the branches of a government, constructed like that of this Institution, is to be expected ;—the object of the Legislature having been to check and balance the government of this prison. The act of March 10, 1827, which refers to your Excellency, and honors, the determination of certain questions about which this Board and the Warden may differ in opinion, will we trust have a salutary tendency.* But that any differences of opinion which may

* An Act in addition to the several Acts for the government and regulation of the State Prison, and defining the powers and duties of the officers of the same.

[Passed March 10th, 1827.]

SEC. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That in addition to the officers of the State Prison who are now by law to be appointed by the Governor and Council, there shall be appointed, in like manner, some suitable person, to be Clerk and Commissary of said Prison, who shall do and perform all the duties which heretofore have been done and performed by the Clerk and Commissary of said Prison, and such other duties as shall from time to time be assigned to him by law, and the said Clerk and Commissary shall hold his office for the term of four years unless sooner removed by the Executive for the time being, and shall be entitled to receive as compensation for all services by him rendered, such sum, not exceeding in any case, one thousand dollars per annum, payable quarterly, as the Directors may order ; and shall not be entitled to any other perquisite or emolument whatever ; and so much of any law as authorizes the appointment by the Directors, of any officer, agent, or servant of said prison, shall cease to have effect, and the same shall be and hereby is repealed. And all such officers, agents and servants shall be appointed by the Warden of said prison, by and with the advice and consent of the Directors for the time being : *Provided, however,* that all said officers, agents and servants, who are in office, shall continue therein until others are appointed in their room.

SEC. 2. *Be it further enacted,* That any officer, agent, or servant of the prison, now or hereafter appointed, except such as are or may be appointed and commissioned by the Governor and Council, may be removed by the Directors, upon information and complaint of the Warden ; and in case of a refusal of the Directors to remove any officer, agent or servant, upon information or complaint as aforesaid, the Warden may appeal to the Governor and Council, who are hereby authorized and empowered to make such removal.

SEC. 3. *Be it further enacted,* That all orders by the Directors for the regulation and management of the affairs, officers, agents or servants of the prison, or of the convicts confined therein, shall be given in writing to the Warden, and in his absence to the keeper, who shall cause the same to be executed.

SEC. 4. *Be it further enacted,* That when sealed tenders shall be received to supply any of the articles provided for by an Act passed on the twenty second day

in future occur, will beget asperities and hostilities among judicious and reflecting officers, by no means follows; nor will this be the case we trust, unless obsolete and imaginary troubles are summoned from their harmless abodes, to interrupt the harmony which otherwise we trust will prevail, between the departments of this prison.

A large portion of the Report from page 21 to 28, represents this Institution in such a manner, as will make it appear hideous in the eyes of most men. The style adopted by the writer, is, to say the least of it, highly colored, and the matter of it interspersed with error. The anecdote of H. Wood, so illiberal and unfounded, who was generally associated at night with ten young convicts, "*who were selected because they were comparatively innocent,*"—the many veterans in crime, who have been admitted teachers in our penitentiaries,—the anecdote of Ross, a well known and accomplished artist,—the narrative of the moulds for counterfeiting,—the desire of a young offender to be imprisoned, rather than pay a fine of \$500, because he wished to be in prison a time, to better his skill in villany,—the anecdote of the key of Marshall

of February, A. D. 1822, entitled "an Act for regulating the supplies of food and other articles for the State Prison, and for letting by contract the labour of the convicts," the Directors shall accept the lowest offer therefor, unless they shall find that no offer is so low as the market price of the article wanted; in which case they shall have power to reject the lowest offer; and the Warden, by and with the advice and consent of the Directors' shall proceed to make a contract for the articles wanted, in the best manner for the interest of the Commonwealth: *Provided*, that it shall be the duty of the Directors to cause to be recorded all the proposals which they may receive for the supply of any article.

SEC. 5. *Be it further enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall take effect from and after the first day of May next.

SEC. 7. *Be it further enacted*, That no officer, agent, or servant, appointed by the Warden, by virtue of the provisions of this act, shall during the time he continues in office, be employed in any other business for his own emolument than that which is required of him in the discharge of the duties of his office.

Prince's iron chest, as well as the story of the false keys in possession of the Warden,—the allusion to the convict who was pardoned by your Excellency and the Council, on condition that he would leave the country, and who is pronounced "*a precious gift*" to the new republics in South America;—the eulogium on the discharged convicts, "*whose testimony has been of great service to the public,*" together with the mention made of the Stoneham robbery, present a singular combination of truth, error, and embellishment, the effect of which, is to produce a state of public feeling and opinion, unfavourable to sedate and dispassionate inquiry.

Statements of this kind are calculated to excite alarm, or to produce an opposite impression, according to the manner in which they are related. That the history of a prison twenty-two years old, will necessarily furnish many examples of artifice and depravity is to be expected: but the few anecdotes which this Institution furnishes, of the character narrated in the Report, in comparison with the number of prisoners of all descriptions and characters, which have been its inmates, from its establishment, exhibit no substantial ground of alarm. But when several of them are grouped together, without reference to the circumstances of time and number of prisoners, the array is imposing, and calculated to produce effect.

"*A letter*" also we are informed at page 26, "*has been prepared,*" "*and sent as a circular to men in authority, with the expectation of rousing their indignation and strength,*" and details of testimony are spoken of, as contained in the letter, which are too horrible to be exhibited more publicly. In regard to this document we know nothing, never having been indulged with the perusal of a copy of it, though charged with the immediate superintendency of the Institution to which it relates. Epistolary efforts are not the only ones, which have been resorted to for the purpose of rousing the "*indignation and strength*" of the community in

regard to this Prison. Meetings we understand have been frequently held in different parts of the Commonwealth, in which addresses have been made, aided by a display of keys, dies, plates, &c., which have been freely given over, to such as have sought them, by the Warden and Commissary of the prison.

We have no time to notice other things, but we cannot conclude without extracting from page 48 the following. "*In Massachusetts nothing more need be said concerning the prison at Charlestown;—we only refer to the description which has been given of the condition of the lunatics in the jails of this Commonwealth; and how we ask can these things be explained on any other supposition, than that they have been unknown.*"

Why the prison at Charlestown should be introduced in this connexion, we are at a loss to divine;—Why it should be grouped into a sentence, with all the lunatics in the Commonwealth, and only separated from them by a *simicolon*, we cannot account. Neither the rules of good composition, nor of tasteful diction, require this combination, but the effect of the union, is to associate at the same time in the mind, the disagreeable details of idiots and maniacs, which are given in other parts of the Report, with an idea of this Institution. We should have supposed, that the picture already given of this Penitentiary in the Report, was sufficiently dark, without the aid of this ingenious shading.

The truth is, that there is no connexion between this Institution, and the unfortunate condition of the insane inmates of our county jails, and whenever it has happened that a prisoner has been found here, labouring under mental alienation (and the case is rare) he has always been treated with great kindness and humanity, for it is incompatible with the dignity of justice, to heap punishment upon such, as God hath deprived of reason.

In the views we have taken of the Prison Discipline Report, we wish to exclude the conclusion, that no improvement can be made in the order and management of this Institution. The structure of the prison is unfavourable to its objects, and it must be a matter of regret, that separate dormitories were not originally erected, instead of the present wards, which are calculated to contain from 6 to 15 prisoners. But this defect, which is productive of mischief, is not to be imputed to the officers of the Institution. By recurring to our Reports for many years past, it will be found, that the defective structure of the prison has been continually animadverted upon. The consideration of the expense which would attend a radical alteration of it, is the only thing which has made any of us hesitate in opinion in regard to the erection of a new edifice. The Legislature, however, have authorized the Warden to erect a prison with separate dormitories. The erection will undoubtedly be attended with considerable expense; but it is confidently hoped by all, that the disbursements of the Commonwealth in this particular, will never be regretted by the public.

But as the prison is now constructed, such has been the effort to draw public attention to it, that it is, not only the copious subject of conversation, but it is frequently represented in the newspapers in a very unfavourable light. The respect which is due to public opinion in this Commonwealth, and the great importance of having that opinion correct, may suggest the propriety to your Excellency, and the Council, of taking time, before the winter session of the Legislature, to give a thorough examination to the order, discipline and condition of the prison.

As you are, *ex officio*, the supervisors of the establishment, we respectfully ask you, if your other public avocations will permit, to proceed to such an examination, and to make such use of the result, as you may think the public

interest requires. As to ourselves, we are desirous of this scrutiny, and have no doubt that every officer connected with the Institution is equally so.

E. PHINNEY,
JOHN SOLEY,
WILLIAM C. JARVIS. } *Directors.*

STATE PRISON,
Directors room, Oct. 18, 1827.

P. S.—BY THE DIRECTORS.

AT page 94 and 95 of the Second Annual Report of the Prison Discipline Society, allusion is made to an officer who has been recently detected in furnishing *Digitalis* or *Foxglove*, and also ardent spirits to a convict. The Board have heretofore refrained from remarking upon this occurrence; first, because the individual implicated, was appointed by the Warden, under the late statute, authorizing him to erect a new prison;—and secondly, because the individual was bound to answer to the supreme judicial court, for the offences alleged. On the 13th of November instant, he plead guilty to the charges preferred against him, and received the sentence of the court. The case thus situated, it may not be amiss to remark, what does not appear in the Report of the Prison Discipline Society, viz. that the individual who received sentence, was detected by this Board, by a resort to the same means, used in the detection of Osgood, *vide ante page 4.*

A prosecution was immediately instituted against the delinquent, by the Warden of the prison, who at a special meeting of the Board, received advice and information to that end. It is due to the Warden, however, who employed the individual in question, to state, that until the occurrence mentioned, he had sustained a highly respectable standing among his fellow citizens, and there is reason to believe, that he sincerely regrets his deviation from duty, while in the employ of the Warden.

PHYSICIAN'S ANNUAL REPORT.

OCTOBER 18th, 1827.

To the Honourable Board of Visitors, of Massachusetts State Prison.

For the last six years, ending September 30, 1826, the Annual Reports of the hospital of Massachusetts State Prison, have been intended to show the state of sickness and death of the convicts, the expense of medicines in each successive year, and the simplicity of hospital practice, especially the practice of this penitentiary. The records of the commissary departments will show, that for the term of six years, ending September 30, 1826, the average amount of medicines is less by \$400 per annum, than for six years immediately preceding, and the hospital records will show, that during the same period, that of an equal number admitted and treated, there has been fewer deaths, and less number of days lost. These facts will illustrate the economy and humanity, of the simple course of treatment, pursued in the hospital of Massachusetts State Prison.

The use of beer, also, instead of bad water, during the warm season, has contributed so essentially to the health and good order of the prisoners, that it ought not to be overlooked. The last year, ending September 30, 1827, the bill of medicines is less than \$90. The number of patients admitted has been 534. The last year, ending September 30, 1826, the number of patients admitted was 827, the difference 293. The number of days labour lost this year, has been 3566, last year 3247, difference 319. This difference in the number of days lost, is accounted

for by the fact, that ten patients have been more than one hundred days each, in the hospital, one death has happened during the year, no epidemic has occurred, and there is no prevailing disease in the prison at this time, there are twelve in the hospital.

Respectfully submitting these facts and observations, the physician of the Massachusetts State Prison, begs leave to call the attention of the honourable Board of visitors, to a paragraph in the Second Annual Report of the Prison Discipline Society, relating to the hospital department of the Massachusetts State Prison. In this Report, a fact is stated, viz. that an unfaithful contractor, furnished a convict with Foxglove, and this fact is assumed, as sufficient to explain the reason, why so large a number of men, are usually found in the hospital, without involving the character of the Physician. The cause assigned, is altogether irrelevant to the effect presumed, so insulated in its nature, and so limited in its effects, that it did not reach the hospital. It doubtless sent several convicts to the cells, but not one to the hospital. The real causes which fill our hospital, are primarily to be found in the diseases, which criminals bring with them to the prison. The miserable man who abuses society by his crimes, is almost certain to abuse himself by his vices, and while the laws of the land take cognizance of the first, the laws of his physical being, hold him amenable for the last.— Punishment follows close upon crime, and retribution both from God and man, in the horrid forms of loathsome disease and degrading bondage, overtakes the wretched offender, and illustrates the solemn truth, that “the way of the transgressor is hard.”

It is a fact proper to be stated in this place, that a great proportion of the convicts, when they come to this prison, are afflicted with the venereal disease, and this disease aggravated by bad habits of body, and irregular treatment. Such convicts not only require immediate

hospital treatment, and many of them for a long time, but some of them subsequently become liable to the horrible consequences of this terrible malady. There are at this moment more than one hundred men in this prison, whose constitutions, injured by the venereal disease, or the abuse of mercury, or both, are occasionally racked with tormenting pains of the limbs and joints, or obstructions, and other evils, of the urinary and genital organs, whose only refuge at such times, is in the hospital. There is yet another class, who are permanent hospital subjects, men who can steal, but cannot work, who have been sentenced to hard labour, but who cannot perform it, being in consumptions when they come, who go immediately into the hospital, and never leave it, until they are pardoned out, or die; and to these may be added, a large class of rheumatics, frequently and necessarily, in the hospital.

If to these various, actual, and prolific sources of disease, we add the occasional occurrence of epidemics, and the common disorders and accidents, incident to a body of three hundred men, and of such men too, closely connected in a great workshop, we have a plain matter of fact explanation, of the number of men in the hospital. The managers of the Prison Discipline Society, have mistaken this matter entirely, their speculation may amuse systematics and theorists, but facts alone, should be the accredited teachers of sober men. Whatever evils may exist within the prison, the foregoing facts show, that there are great evils in society without, that have a serious bearing on the evils within, and may be regarded as the sources, whence the prison, and especially the hospital, receives its inmates. The recent instance of young Veazie, is a striking illustration; this young man about four years ago, came to this prison, direct (as it were) from the nurseries of disease and crime, from the brothels, the gaming house, and the tippling shops of the City.— He was a poor shattered youth, about nineteen years of

age, and came directly into the hospital, diseased and weak, imploring pity and help. By proper attention to his disorders, suitable diet, and above all, by friendly advice and encouragement, he took heart, and by working moderately at first, in the course of nine or ten months, he became strong and healthy,—he went into the stone shed, and worked well, and behaved well, and at his departure from the prison last July, he was a sound, hale man, and so far as we could judge, by his previous conduct, and professions at the time, his reflections on the past, were judicious, and his resolutions for the future, were good.—But as soon as he was at liberty, his good resolutions, like the green withes of Sampson, were broken asunder, by the strong force of animal passions, and evil companions, and he was borne headlong into the gulf of perdition, out of which, the protecting arm of the law has again snatched him, and brought him with the seal of disease and shame upon him, within the wholesome discipline of the penitentiary, here to receive the severe, but needful physic, for the body and the soul. When Veazie left the prison, he was no doubt sincere in his good resolutions, and all that was required to enable him to keep them, was (under the blessing of heaven) honest associates, and useful employment. To find useful employment with honest persons, for those who leave the State Prison, is of vast importance to the moral safety of such men, and to their restoration to the confidence of society. This then is a great object, worthy of the deep solicitude of the statesman, and the ardent prayers, and benevolent efforts of the christian.

The managers of the Prison Discipline Society, in their further remarks, state it as an impropriety to place a convict as a nurse in the hospital. The correctness of this opinion, must also be tried by facts. We must judge of the propriety of any measure, by a careful regard to the circumstances which relate to, and control it. Now it is a rule in the State Prison, to put every convict, where he

will be most useful, so far as it is consistent with the design of his confinement. The present nurse, and two of his predecessors, have been regular bred Physicians, and others who have been in the place (when there have been no Doctors in the prison) have been generally, men of education. Surely so far from an impropriety, there is a manifest propriety, in selecting such men for nurses.— They are the best that can be obtained for the sick convicts. Female nurses, and indeed any other competent and responsible persons, are out of the question. It is acknowledged that the hospital is a station of responsibility, and being a place of comparative ease and authority, it is a desirable birth, and this consideration operates as a strong bond, for the good behaviour of the prisoner who fills it. The result has proved it so ; thus far, the several Physicians, and some other well informed men, who have acted as nurses, have never forfeited their station by violating their duty. The Physician of the Massachusetts State Prison, not being a member of the government, does not feel strictly chargeable with the safe keeping of the hospital, but is deeply sensible of the importance of his department, and endeavors to watch it with great care. The law requires him to visit the prison but twice a week, but he usually devotes an hour every morning to his duties, personally examining the different wards, and likewise the convicts, who report themselves to be sick, and it is very rare that any one is admitted to the hospital, except by the Physician himself.

The government of the prison not only keep a watchful eye over the hospital but the convicts themselves, also, jealous of their privileges, are so quick to perceive, and prompt to report the least partiality or impropriety, that the few unfaithful nurses who have been displaced, have been detected and reported by the prisoners.

The idea of a sinister, and prodigal use of medicines, is sufficiently refuted, by a due consideration of the numer-

ous cases, which necessarily require its use, and the strong fact that the whole cost of it for the last year, is less than \$90.

Upon the whole, it appears that the hospital of the prison, fulfils the intentions of the government, and is not essentially abused. But improvement is the distinguishing feature of the present day, and the Physician of the Massachusetts State Prison loth to fall behind the spirit of the age, in which he lives, would respectfully suggest some improvements in his department. First, as a simple guard, an officer might daily be stationed in the hospital, or secondly, a medical student might be permitted to reside in the hospital, and have the charge of it, this security would be worth a small compensation from the government, and this compensation with the advantages of the practice, might induce an indigent medical student to accept the place, or thirdly, if the government should think proper to establish a regular system of religious, moral, and intellectual instruction, in that event a teacher might reside in the hospital, and have the superintendency of it. One of the wards might be appropriated for religious meetings, and as a school-room.—The convicts recovering from sickness, but not able to work, instead of lying idle, might be assembled in the school-room, and carefully watched and admonished.

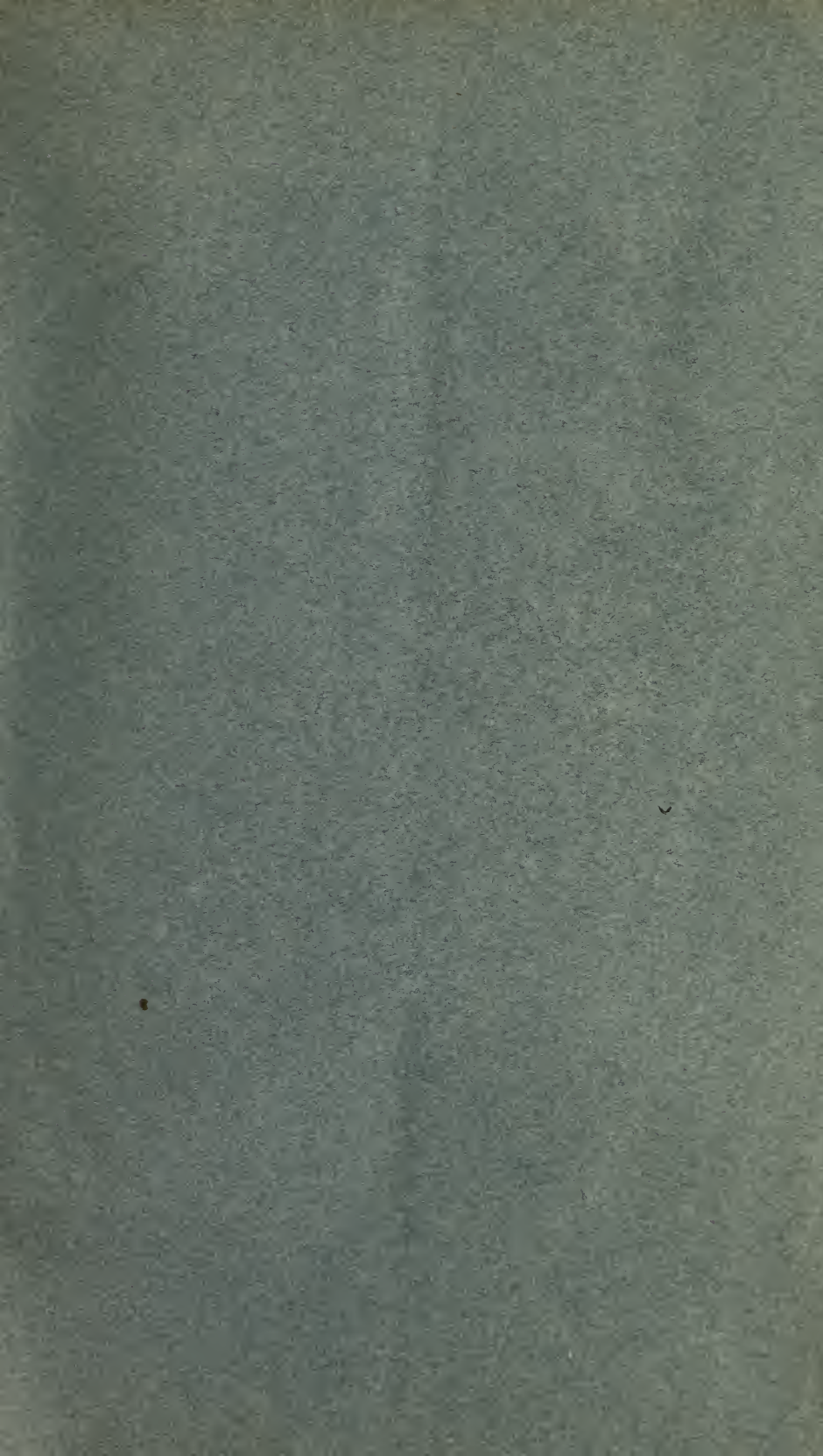
These circumstances would prove favourable to religious and moral instruction, and instruction under such circumstances would not encroach upon labour. The third proposition embraces all that is essential in the other two, with additional advantages.—The superintendant would retain a capable convict nurse in the hospital, when his services would be required, and would take from him that authority which is now dreaded. This plan would most effectually destroy all hope of intrigue in the hospital, and consequently cut off one great source of attempts to get into it. It would combine humanity with

security. providing every thing necessary for the disorders of the sick convicts with a vigilant watch over them, together with such means of instruction and admonition when they are recovering, as might send them back to their labours, improved in moral as well as physical health.

Respectfully submitted by,

ABRAHAM R. THOMPSON,

Physician of Massachusetts State Prison.



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